

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE REAL ESTATE
APPRAISERS BOARD

IN THE MATTER OF THE LICENSE OF : Administrative Action
: :
LANCE C. BROWN : FINAL ORDER
License # 42RA00403700 : OF DISCIPLINE
: :
TO ENGAGE IN THE PRACTICE OF :
REAL ESTATE APPRAISING IN :
THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Real Estate Appraisers Board (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Lance C. Brown ("Respondent") is a State Licensed Real Estate Appraiser in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Pursuant to N.J.S.A. 45:14F-18 and N.J.A.C. 13:40A-5.3, all licensed and certified real estate appraisers are required to complete all continuing education requirements established by "The Real Property Appraiser Qualification Criteria and Interpretation of the Criteria" promulgated by the Appraisal Qualifications Board of the Appraisal Foundation (the

"AQB"). The AQB requirements are incorporated by reference in the Board's regulations. For the two year period between January 1, 2010 and December 31, 2011, the AQB Qualification Criteria mandated that appraisers complete a minimum of twenty-eight (28) class hours of approved continuing education.

3. Pursuant to N.J.A.C. 13:40A-5.4, all licensed and certified appraisers are required to complete a seven (7) hour National Update Course on the Uniform Standards of Professional Appraisal Practice ("USPAP"), or its equivalent, at least once every twenty-four (24) months. The AQB Qualification Criteria similarly mandate that appraisers must successfully complete the seven (7) hour USPAP Update Course, or its equivalent, every two (2) calendar years.

4. Pursuant to N.J.A.C. 13:40A-5.8, licensees or certificate holders are required to maintain documentation for at least four (4) years of continuing education hours completed in order to verify program attendance and/or activity completion.

5. On November 25, 2011, Respondent completed and submitted an online biennial license renewal form, for the period January 1, 2012 through December 31, 2013, and Respondent's license was then renewed through December 31, 2013.

6. Respondent was asked on the biennial renewal application whether Respondent "completed the continuing education requirement during the past two years," referring to the biennial renewal period of January 1, 2010 through December 31, 2011. The renewal application included specific instructions regarding this question, which read:

As a condition of renewal, licensees are required to obtain at least 28 credit hours of approved continuing education for each biennial renewal period subsequent to licensure/certification or 14 hours of continuing education if initially licensed or certified in the first six months of the second year. If initially licensed or certified during the last six months of the second year, no continuing education is required. If you are exempt from this requirement for this renewal period only, please answer "yes" to this question. Credits may not be carried over to another renewal period.

Respondent answered "YES" to the question.

7. Respondent was asked on the biennial renewal form whether Respondent successfully completed the seven (7) hour National USPAP Update Course, or its equivalent, during the past two (2) years, referring to the biennial period of January 1, 2010 through December 31, 2011. The renewal application included "specific instructions" regarding this question, which read:

As a condition of renewal, licensees must successfully complete the seven-hour National USPAP Update Course,

or its equivalent, at a minimum of every two years. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB.

Respondent answered "YES" to this question.

8. Respondent certified, when submitting the renewal application, that all of the information on the renewal form was true and complete to the best of Respondent's knowledge, and acknowledged awareness that if any of the information submitted was willfully false, Respondent would be subject to punishment and/or disciplinary sanction to include license suspension or revocation or the imposition of civil penalties as provided by law.

9. After January 1, 2012, the Board commenced a continuing education audit, asking a random sampling of its licensees to submit documentation to verify completion of required continuing education. Respondent was selected for inclusion within the continuing education audit.

10. On or about February 23, 2012, all licensees selected for inclusion in the audit were sent a notice, by regular mail, addressed to the address of record that the licensee maintained with the Board, advising of the need to supply copies of documentation maintained to verify continuing education hours

claimed.

11. Respondent replied to the audit, but did not supply any documentation verifying his completion of any hours of continuing education or completion of a seven hour USPAP update course. Respondent attached a letter stating that documentation of his continuing education was misplaced in a recent move of residence, and that he would forward the documents in the "next few business days".

12. Respondent failed to submit any further documentation.

CONCLUSIONS OF LAW

Respondent failed to demonstrate, to the satisfaction of the Board, completion of the required twenty-eight (28) hours of approved continuing education for the two year period between January 1, 2010 and December 31, 2011. The Board therefore found Respondent in violation of N.J.A.C. 13:40A-5.3, which in turn subjected Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and 45:1-21(h).

Respondent failed to demonstrate, to the satisfaction of the Board, completion of a seven (7) hour USPAP Update Course, or its equivalent, for the two year period between January 1, 2010 and December 31, 2011. The Board therefore found Respondent in violation of N.J.A.C. 13:40A-5.4, which in turn

subjected respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and 45:1-21(h).

Based upon the above findings and conclusions, the Board further found that Respondent falsely certified on the renewal application that all responses to all questions that were asked on that application were true. By doing so, the Board found that Respondent engaged in misrepresentation, and was therefore subject to sanction pursuant to N.J.S.A. 45:1-21(b).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending Respondent's license and imposing a two thousand five hundred dollar (\$2,500) civil penalty was entered on December 20, 2012. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order by simply providing certificates of completion for twenty-eight (28) hours of continuing education, including a seven hour USPAP Update course, all completed in January 2013. Respondent also enclosed payment of the two thousand five hundred dollar (\$2,500) civil penalty.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration as Respondent did not dispute the findings of fact or conclusions of law. Inasmuch as Respondent subsequently completed continuing education which may be applied to cure the deficiency of the previous biennial period, the Board determined that suspension was no longer warranted.

WHEREFORE, it is on this 27th day of February, 2013

ORDERED that:

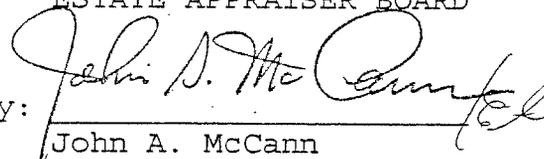
1. Any continuing education completed after December 31, 2011 and applied to cure the deficiency of the previous biennial cycle shall not be used to satisfy the requirements of the current biennial cycle. Respondent shall complete an additional twenty-eight (28) hours of continuing education prior to

December 31, 2013 to satisfy the requirements of the current biennial period.

2. Respondent is hereby assessed a civil penalty in the amount of two thousand five hundred dollars (\$2,500). Said penalty is an aggregate penalty, which includes a penalty in the amount of one thousand dollars (\$1,000) for having provided false answers to two questions on the biennial renewal application (that is, falsely claiming completion of 28 hours of continuing education credit and falsely claiming completion of a 7 hour USPAP-Update Course, or its equivalent), one thousand dollars (\$1,000) for failing to have completed 28 hours of required continuing education, and five hundred dollars (\$500) for failing to have completed a 7 hour USPAP-Update Course, or its equivalent. The Board acknowledges receipt of payment of the within civil penalty.

NEW JERSEY STATE REAL
ESTATE APPRAISER BOARD

By:



John A. McCann
Board President